

U.S.A. vs

Garcia-Montoya

No.

07cr3080-wll

The Court finds excludable delay, under the section indicated by check (✓),

commenced on 11-20-07 and ended on 2/11/08; ()
and ended on _____.()

3161(h)

- ___(1) (A) Exam or hrg for mental or physical incapacity
- ___(1) (B) NARA examination (28:2902)
- ___(1) (D) State or Federal trials or other charges pending
- ___(1) (E) Interlocutory appeals
- ___(1) (F) Pretrial motions (from flg to hrg or other prompt dispo)
- ___(1) (G) Transfers from other district (per FRCrP 20, 21 & 40)
- ___(1) (J) Proceedings under advisement not to exceed thirty days
- ___ Misc proc: Parole or prob rev, deportation, extradition
- ___(1) (H) Transportation from another district or to/from examination or hospitalization in ten days or less
- X (1) (I) Consideration by Court of proposed plea agreement
- ___(2) Prosecution deferred by mutual agreement
- ___(3) (A) (B) Unavailability of defendant or essential witness
- ___(4) Period of mental or physical incompetence of defendant to stand trial
- ___(5) Period of NARA commitment or treatment
- ___(6) Superseding indictment and/or new charges
- ___(7) Defendant awaiting trial of co-defendant when no severance has been granted
- ___(8) (A) (B) Continuances granted per (h) (8) -use "T" alone if more than one of the reasons below are given in support of continuance
- ___(8) (B) (I) 1) Failure to grant a continuance in the proceeding would result in a miscarriage of justice and the ends of justice outweigh the best interest of the public and the defendant in a speedy trial.
(Continuance - miscarriage of justice)
- X 2) Failure to grant a continuance of the trial would result in a miscarriage of justice as the defendant has tendered a guilty plea to a magistrate judge and is awaiting a determination as to whether the plea will be accepted.
(Continuance - tendered a guilty plea)
- ___(8) (B) (ii) 2) Case unusual or complex
- ___(8) (B) (iii) 3) Indictment following arrest cannot be filed in thirty (30) days
- ___(8) (B) (iv) 4) Continuance granted in order to obtain or substitute counsel, or give reasonable time to prepare
(Continuance re counsel)
- ___3161(I) Time up to withdrawal of guilty plea
- ___3161(b) Grand jury indictment time extended thirty (30) more days

Date 11-20-07

Jmc
Judge's Initials

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